



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 1, 2020

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The parties jointly submit this letter in response to the Court's November 24, 2020 order directing the parties to meet and confer regarding the defendant's request that the warden of the Metropolitan Detention Center ("MDC") report directly to the Court and counsel on the defendant's conditions of detention. (Dkt. No. 76). Over the past week, the Government has spoken with MDC legal counsel regarding the defendant's conditions of confinement and has tried to gather additional information regarding the concerns raised by the defendant, which the Government has shared with defense counsel. The Government has also conferred with defense counsel three times regarding the same, as well as the defense's request relating to MDC Warden Heriberto Tellez. The parties have been unable to reach agreement. Our respective positions follow.

The Government respectfully submits that the Court should allow MDC legal counsel to respond directly in writing to the Court and defense counsel regarding the concerns defense counsel has raised relating to the defendant's conditions of confinement. The Government understands that MDC legal counsel is prepared to submit a letter by this Friday, December 4, 2020. Such a letter is the appropriate next step at this time, as it will allow the Court to hear directly from MDC legal counsel who can address the defendant's conditions of confinement. The letter will allow the Court to ascertain whether further inquiry, including a personal appearance by the Warden or other MDC personnel, is necessary. Moreover, the Government does not understand the concerns raised by the defense to implicate the defendant's access to legal materials or her ability to communicate with her counsel. As noted in the Government's letter dated November 23, 2020, the defendant continues to have more time to review her discovery than any other inmate at the MDC. The defendant also has as much, if not more, time as any other MDC inmate to communicate with her attorneys. (Dkt. No. 74).

The defense disagrees. As communicated to the Government, the defense's position is as follows: Warden Heriberto Tellez should appear before the Court to directly address concerns regarding Ms. Maxwell's conditions of confinement, which specifically target her. On October 29, 2020, the defense emailed a letter to Warden Tellez detailing the onerous and restrictive conditions, including but not limited to concerns regarding the supplemental camera; excessive

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searching (e.g., weekly body scan, 15-minute interval flashlight checks at night, and open-mouth inspection) despite being surveilled 24/7 by a dedicated three-guard security detail and two cameras; and the reason she is not being moved to the day room, which we understood was the original plan (and would reduce searching). Receipt of the letter was acknowledged, but to date there has been no response and little, if any, redress to the most serious conditions. Upon information and belief, decisions concerning Ms. Maxwell's specialized detention are made by Warden Tellez, or from others outside the MDC. A report from the MDC Legal Department would provide second-hand information. Accordingly, Warden Tellez should be directed to provide a first-hand accounting to the Court and counsel why Ms. Maxwell is being detained under such individualized conditions.

Your consideration is greatly appreciated.

Respectfully submitted,

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Cc: All Counsel of Record (By ECF)